

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ANDRES RUILOVA, HUGO TEXIS, :
BERTIN ALDO GARCIA, ISMAEL GUTIERREZ, :
VALENTIN VIVAR, ELIZABETH KELLY, :
STACY SAMUEL, EVAN MILHO, JAMAL KHAN, :
EVAN MILHO, JAMAL KHAN, :
SEAN IVINS and EMILY SULLIVAN :
on behalf of themselves, FLSA Collective Plaintiffs :
and the Class, :

Plaintiffs, :

- v - :

443 LEXINGTON AVE, INC. d/b/a DAVIO'S, :
75 ARLINGTON STREET, INC. d/b/a DAVIO'S, :
ONE PATRIOT PLACE, LLC d/b/a DAVIO'S, :
151 GRANITE STREET LLC d/b/a DAVIO'S, :
55 BOYLSTON STREET, LLC d/b/a DAVIO'S, :
427 WALNUT STREET LLC d/b/a DAVIO'S, :
111 S. 17TH STREET, INC. d/b/a DAVIO'S, :
201 MAIN STREET LLC d/b/a DAVIO'S, :
and STEVE DIFILLIPPO. :

Defendants. :

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Case No. 19-cv-05205 (AJN)

[PROPOSED]
RULE 68 JUDGMENT

WHEREAS, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants
443 LEXINGTON AVE, INC. d/b/a DAVIO'S, 75 ARLINGTON STREET, INC. d/b/a
DAVIO'S, ONE PATRIOT PLACE, LLC d/b/a DAVIO'S, 151 GRANITE STREET LLC d/b/a
DAVIO'S, 55 BOYLSTON STREET, LLC d/b/a DAVIO'S, 427 WALNUT STREET LLC d/b/a
DAVIO'S, 111 S. 17TH STREET, INC. d/b/a DAVIO'S, 201 MAIN STREET LLC d/b/a
DAVIO'S, and STEVE DIFILLIPPO (collectively, "Defendants"), having offered to allow
Plaintiffs ANDRES RUILOVA, HUGO TEXIS, BERTIN ALDO GARCIA, ISMAEL
GUTIERREZ, VALENTIN VIVAR, ELIZABETH KELLY, STACY SAMUEL, EVAN
MILHO, JAMAL KHAN, EVAN MILHO, JAMAL KHAN, SEAN IVINS and EMILY

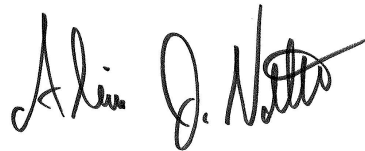
SULLIVAN (“Plaintiffs”) to take a judgment against them, jointly and severally, in the sum of Ninety-Five Thousand and xx/100 Dollars (\$95,000.00), in accordance with the terms and conditions of the Defendants’ Rule 68 Offer dated January 7, 2021 and filed as Exhibit A to Docket Number 110;

WHEREAS, on January 7, 2021, Plaintiffs’ attorney having confirmed Plaintiffs’ acceptance of Defendants’ Offer of Judgement (Dkt. No. 110);

It is ORDERED, ADJUDGED, AND DECREED, that judgment is entered in favor of Plaintiffs in accordance with the terms and conditions of Defendants’ Rule 68 Offer dated January 7, 2021 and filed as Exhibit A to Docket Number 110. The Clerk is directed to close this case.

SO ORDERED:

Dated: January 14, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

Judge Alison J. Nathan
United States District Judge